

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. On March 30, 2007, petitioner requested a fair hearing alleging that her premium was too high. A fair hearing was held on April 26, 2007.

3. Petitioner earns \$220 per week or \$946 per month from employment and receives \$331.10 per month in Unemployment Compensation benefits for a total monthly income of \$1,277.10. Her countable monthly income for VHAP is \$1,187.10. Petitioner is a household of one; her income places her at 139 percent of the federal poverty level. Based on her income, petitioner's monthly premium was \$50.

4. The petitioner admits that she did not pay her premium. Petitioner alleges that she did not have the ability to pay and that she is now without mental health treatment. Petitioner was advised to reapply for VHAP assistance.

ORDER

The Department's decision is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain the public health care assistance programs, the Department adopted regulations establishing monthly premiums to be paid prospectively by VHAP recipients. W.A.M. § 4001.91.

Based on petitioner's countable income of \$1,187.10, petitioner falls within the range of 100 percent through 150

percent of the federal poverty level. VHAP recipients whose income falls between 100 percent through 150 percent of the federal poverty level are assessed a \$50 monthly premium. See Procedures-2420B. Accordingly, the Department correctly assessed a \$50 monthly premium.

The regulations require that "coverage shall be terminated if an individual does not pay the required program fee by the billing deadline". W.A.M. § 4001.91. There is no dispute that petitioner did not pay her premium by March 31, 2007 and that she was duly and timely notified by the Department of the closure of her benefits as of that date. Since the Department's actions are in accord with the pertinent regulations, the Board should affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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